

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

U.S. PAINT CORPORATION,                  )  
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    )  
Plaintiff,                                )  
    )  
    )  
vs.                                        )      Case No. 4:06CV266 HEA  
    )  
    )  
NOVEON, INC.,                            )  
    )  
    )  
Defendant.                                )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion to Compel, [Doc. No. 26].

Defendant objects to the motion on the grounds that the requested documents are protected by the work product doctrine. Defendant represents to the Court that all documents which were not prepared in anticipation of litigation have been produced and those documents that have not been produced were prepared through Defendant's own separate investigation as a result of its belief that this litigation would ensue. The Court has reviewed the briefs presented and has no reason to disbelieve Defendant's representations to the Court. As such, the investigatory documents prepared by Defendant in anticipation of litigation are not subject to production.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel Production of

Documents, [Doc. No. 26], is denied.

Dated this 11th day of January, 2007.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE